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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/041,057

01/07/2002

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RSW920010193US1

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10/19/2006

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EXAMINER

PAULA, CESAR B

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 10/19/2006

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/041,057  
Filing Date: January 07, 2002  
Appellant(s): BROWN ET AL.

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Mark D. Simpson  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on 7/31/2006 appealing from the Office action mailed on 4/26/2006.

Art Unit: 2178

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

USPub.# 2003/0140316 Lakritz (7/24/2003, continuation of application filed 1/28/1999).

USPat. # 6,678,518 Eerola (1/13/2004, filed on 12/9/1999).

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-12, 14-18, 20-22, and 24-25 remain rejected under 35 U.S.C. 102(e) as being anticipated by Lakritz (USPub.# 2003/0140316, 7/24/2003, continuation of application filed 1/28/1999).

Regarding independent claim 1, Lakritz discloses using the update, and notifying a user that an HTML document has been updated—*identifying a file having a first section marked with a first identifier--*. The HTML document(s) has “WReplace” commands—*first section marked with a first identifier, said identifier comprising an opening tag having a unique indicator corresponding to said first section--* , having an opening tag associated with a portion of the HTML file, in a section of the document (0108,0560-0570).

Moreover, Lakritz discloses using the string in the document, and a primary language word such as “hello” —*receiving a language indicator—* (0561).

Art Unit: 2178

Moreover, Lakritz teaches removing of the “WReplace” commands in the HTML string after translating the text, to a language such as “French”, when the word to be translated in a primary language—English word—*default language indicator*-- before producing or displaying the translated document (0570-0573).

Furthermore, Lakritz teaches replacing of the “WReplace” commands, and the word “hello” in the HTML string, and translating the text, to a language such as “Spanish” word — *language indicator is not said French word or default language indicator*, before producing or displaying the translated document (0570-0573).

Regarding claim 4, which depends on claim 1, Lakritz discloses an “Adaptor” for accepting the document to be translated—*receiving input stream based on said file* (0090). The document is transformed by leaving out or deleting the localization tag.

Moreover, Lakritz discloses using the HTML string for finding, and using the word to be translated—*scanning said input stream for said first identifier*-- (0562-0573).

Furthermore, Lakritz teaches removing of the “WReplace” commands in the HTML string after translating the text, to a language such as “French”, when the word to be translated in a primary language—English word—*default language indicator*-- before producing or displaying the translated document (0570-0573).

Regarding claim 5, which depends on claim 1, Lakritz discloses an “Adaptor” for accepting the document to be translated—*receiving input stream based on said file* (0090). The document is transformed by leaving out or deleting the localization tag.

Art Unit: 2178

Moreover, Lakritz discloses using the HTML string for finding, and using the word to be translated—*scanning said input stream for said first identifier--* (0562-0573).

Furthermore, Lakritz teaches replacing of the “WReplace” commands, and the word “hello” in the HTML string, and translating the text, to a language such as “Spanish” word — *language indicator is not said French word or default language indicator*, before producing or displaying the translated document (0570-0573).

Regarding independent claim 6, Lakritz discloses an “Adaptor” for accepting the document to be translated—*identifying a file having a first section marked with a first identifier*. The document is transformed by leaving out or deleting the localization tag. The HTML document(s) has “WReplace” commands-- *said identifier comprising an opening tag having a unique indicator corresponding to said first section--*, having an opening tag associated with a portion of the HTML file, in a section of the document (0090, 0560-0570).

Moreover, Lakritz discloses using the HTML string for finding, and using the word “hello”—*receiving a language indicator--* to be translated (0562-0573).

Furthermore, Lakritz teaches removing—*filtering said file--* of the “WReplace” commands in the HTML string after translating the text, to a language such as “French”, when the word to be translated in a primary language—English word—*default language indicator--* before producing or displaying the translated document (0570-0573).

Claims 7-10 are directed towards a method for implementing the steps found in claims 1, 1, and 4-5 respectively, and therefore are similarly rejected.

Art Unit: 2178

Regarding claim 11, which depends on claim 8, Lakritz discloses that the HTML document(s) has “WReplace” commands, and the word “hello” to be translated in a section of the document —*text and formatting codes* (0108, 0570).

Regarding claim 12, which depends on claim 8, Lakritz discloses that the HTML document(s) has “WReplace” commands, and the word “hello” to be translated in a section of the document within HTML tags —*replacement section includes text and formatting codes* (0108, 0570, 0056).

Regarding claim 14, which depends on claim 1, Lakritz discloses that the HTML document(s) has “WReplace” commands, and the word “hello” to be translated in a section of the document —*text and formatting codes* (0108, 0570).

Regarding claim 15, which depends on claim 1, Lakritz discloses that the HTML document(s) has “<!--Wreplace.....<!--WReplaceEnd->” commands--*opening tag preceding said first section, and closing tag following said first section --*, and the word “hello” to be translated in a section of the document (0108, 0570).

Regarding claim 16, which depends on claim 1, Lakritz discloses that the HTML document(s) has “<!--Wreplace.....<!--WReplaceEnd->” commands , and the word “hello” to be translated in a section of the document (0108, 0570).

Art Unit: 2178

Regarding claim 17, which depends on claim 8, Lakritz discloses removing one of the “WReplace” commands in the HTML string after translating the text, to a language such as “French”, when the word to be translated in a primary language—English word—*default language indicator*-- before producing or displaying the translated document (0570-0573).

Furthermore, Lakritz teaches replacing of the “WReplace” commands, and the word “hello” in the HTML string, and translating the text, to a language such as “Spanish” word — *language indicator is not said French word or default language indicator*, before producing or displaying the translated document (0570-0573).

Claims 18, and 21 are directed towards a computer system for implementing the steps found in claims 1, and 5 respectively, and therefore are similarly rejected.

Claim 20 is directed towards a method for implementing the steps found in claim 4, and therefore is similarly rejected.

Claims 22, and 24-25 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 1, and 4-5 respectively, and therefore are similarly rejected.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



Art Unit: 2178

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 19, 23 and 26 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz, in view of Eerola (Pat. # 6,678,518, 1/13/2004, filed on 12/9/1999).

Regarding claim 2, which depends on claim 1, Lakritz discloses an “Adaptor” for accepting the document to be translated (0090, 0077, 0082, fig.12). Lakritz fails to explicitly disclose: *files having an internationalization MIME-type*. However, Eerola teaches the indication of a MIME header specifying content type of a document requested using HTTP (col.4, lines 16-34, 49-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have used MIME in describing the requested document, because Eerola teaches above the benefit of finding an appropriate filter based on the content type, which would help in effectively tailor the document to the user’s language.

Regarding claim 3, which depends on claim 2, Lakritz discloses an “Adaptor” for accepting the document to be translated (0090). Lakritz fails to explicitly disclose: *using MIME-type filtering*. However, Eerola teaches the indication of a MIME header specifying content type of a document requested using HTTP in order to filter the document based on the indicate type (col.4, lines 16-34, 49-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have used MIME in describing the requested document, because

Art Unit: 2178

Eerola teaches above the benefit of finding an appropriate filter based on the content type, which would help in effectively tailor the document to the user's language.

Claim 19 is directed towards a computer system for implementing the steps found in claim 2, and therefore is similarly rejected.

Claim 23 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 2, and therefore is similarly rejected.

Regarding independent claim 26, Lakritz discloses using the update, and notifying a user that an HTML document has been updated—*identifying a file having a first section marked with a first identifier--*. The HTML document(s) has “WReplace” commands—*first section marked with a first identifier, said identifier comprising an opening tag having a unique indicator corresponding to said first section--*, having an opening tag associated with a portion of the HTML file, in a section of the document (0108,0560-0570).

In addition, Lakritz discloses an “Adaptor” for accepting the document to be translated, sent from a web site (0090, 0077, 0082, fig.12). Lakritz fails to explicitly disclose: *files having an internationalization MIME-type*. However, Eerola teaches the indication of a MIME header specifying content type of a document requested using HTTP (col.4, lines 16-34, 49-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have used MIME in describing the requested document, because Eerola teaches above the benefit

of finding an appropriate filter based on the content type, which would help in effectively process, and tailor the document to the user's language.

Moreover, Lakritz discloses using the string in the document, and a primary language word such as "hello" —*receiving a language indicator*— (0561).

In addition, Lakritz discloses an "Adaptor" for accepting the document to be translated—*receiving input stream based on said file* (0090). The document is transformed by leaving out or deleting the localization tag.

Moreover, Lakritz discloses using the HTML string for finding, and using the word to be translated—*scanning said input stream for said first identifier--* (0562-0573).

Further, Lakritz teaches *removing* of the "WReplace" commands in the HTML string after translating the text, to a language such as "French", when the word to be translated in a primary language—English word—*default language indicator--* before producing or displaying the translated document (0570-0573).

Moreover, Lakritz discloses an "Adaptor" for accepting the document to be translated—*receiving input stream based on said file* (0090). The document is transformed by leaving out or deleting the localization tag.

Moreover, Lakritz discloses using the HTML string for finding, and using the word to be translated—*scanning said input stream for said first identifier--* (0562-0573).

Furthermore, Lakritz teaches replacing—*substituting--* of the "WReplace" commands, and the word "hello" in the HTML string, and translating the text, to a language such as "Spanish" word —*language indicator is not said French word or default language indicator*, before producing or displaying the translated document (0570-0573).

5. Claim 13 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz.

Regarding claim 13, which depends on claim 1, Lakritz discloses that the HTML document(s) has “<!--Wreplace.....<!--WReplaceEnd->” commands , and the word “hello” to be translated in a section of the document (0108, 0570, 0010). Lakritz fails to explicitly disclose: *the file is an XML file*. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have used XML format, because this would have enabled a user to have local control of the multilingual translation using the flexibility found in the XML format.

#### **(10) Response to Argument**

The Appellant notes that the “Wreplace” commands of Lakritz are not unique as the unique indicator corresponding to the first section recited in the claims (pages 7-8). The Examiner disagrees, because Lakritz teaches the use of beginning, and ending tags--<!--WPreplaceBegin -- >, and --<!--WPreplaceEnd -- >(0560-0570)—to translate text in an HTML document. As it is shown, the begin tag has a unique word or indicator —“WPreplaceBegin”—associated or corresponding to the section marked by the tag—*first section*. The —“WPreplaceBegin” word is part of a special custom tag designated to translate words in an HTML document.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

Art Unit: 2178

***Conclusion***

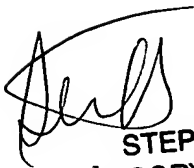
For all of the reasons stated above the Examiner believes that the rejections should be sustained.

Respectfully submitted,



**CESAR PAULA  
PRIMARY EXAMINER**

Cesar B. Paula  
October 13, 2006



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